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Letter dated 10 June 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1805 (2008), and am pleased to submit herewith the report of the Counter-Terrorism Committee on the implementation of resolution 1373 (2001) to the Security Council for its consideration.

The report was prepared for the Committee by the Counter-Terrorism Committee Executive Directorate. It provides an assessment of the implementation of resolution 1373 (2001) in regions and subregions, and draws conclusions about progress in the implementation of the resolution in key thematic areas. The report contains priority recommendations for future action by the Committee, which highlight the main concerns with regard to the implementation of resolution 1373 (2001) and serve as a planning and priority-setting tool for the Committee and the Security Council.

The report is based on information available as at October 2007. In accordance with the request of the Council, the Executive Directorate will prepare an updated version of the report as new information is received from Member States.

I would be grateful if the present letter and the attached report could be circulated as a document of the Security Council.

(*Signed*) Neven **Jurica**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Survey of the implementation of Security Council resolution 1373 (2001)

Report of the Counter-Terrorism Committee

I. Introduction

1. The present survey has been prepared in response to a request by the Security Council in its resolution 1805 (2008), and as part of the assessment by the Counter-Terrorism Committee Executive Directorate of progress made by Member States in the implementation of Security Council resolution 1373 (2001).

2. The Committee survey was prepared for it by experts of the Counter-Terrorism Committee Executive Directorate. It is based on their professional judgement of the information available as at October 2007.

3. The survey relies on data compiled by the Committee Executive Directorate from reports of Member States, visit reports (in the case of States visited by the Committee) and from international organizations. This data is also recorded in 192 preliminary implementation assessments that have been prepared for all Member States. Dialogue on the preliminary implementation assessments and reports of Committee visits with Member States is ongoing. The Committee and its Executive Directorate continue to encourage this dialogue, in order to promote exchange of information and views with Member States on the implementation of resolution 1373 (2001).

4. The survey focuses on the major thematic areas addressed by the resolution, notably on counter-terrorism legislation and policies pertaining to counter-terrorist financing, border control, law enforcement, international cooperation and the protection of human rights.

5. Section II of the survey provides an assessment of the implementation of resolution 1373 (2001), broken down by regions and subregions.

6. Section III draws certain conclusions about global progress in the implementation of the resolution in key thematic areas.

7. Annexed to the survey is a table showing the relationship between the survey and the preliminary implementation assessment (see annex).

8. The purpose of the survey is to present current general trends in the implementation of the resolution with a view to identifying regional vulnerabilities or areas where groups of States are facing particular implementation difficulties and thus might benefit from a regional or subregional approach to counter-terrorism. It should be noted that in some subregions States display significantly varying levels of progress in their implementation of the resolution.

9. It should also be noted that in a number of regions many States face a range of challenges, including competing developmental priorities, limited training opportunities and continuing pressure on government budgets that impact on the level of progress in the implementation of resolution 1373 (2001).

II. Assessment by region

A. Africa

North Africa (Algeria, Egypt, Libyan Arab Jamahiriya, Mauritania, Morocco, Sudan and Tunisia)

Areas of assessment

Legislation

10. All seven States in the North Africa subregion have introduced legislation on counter-terrorism and have partially incorporated the offences set forth in the international counter-terrorism instruments into their domestic law. Two have adequately incorporated the offences set forth in the international counter-terrorism instruments into their domestic law, while five have done so partially. Most have adequate measures in place for the suppression of terrorist recruitment. Only two States have established adequate jurisdiction for the relevant offences in their domestic law.

Counter-financing of terrorism

11. Three States have criminalized terrorist financing, while a further four have introduced some legal provisions to address the issue. Anti-money-laundering laws are now in force in all seven States, and four States have set up a financial intelligence unit. However, four States do not regulate financial transfers through informal remittance systems, while two others have only limited measures in place. Some States have a capacity to freeze without delay funds and assets linked to terrorism, although in most cases it is limited. No State in the subregion implements adequate measures to protect non-profit organizations from terrorist financing, although six States do implement some measures in this regard.

Border control

12. Measures to detect forged travel documents have been either fully or partially introduced in six States, but the security and integrity of the procedure for issuing identity papers and travel documents could be significantly enhanced in a number of States. Three States have implemented procedures and methods to screen travellers effectively against national and international databases, and three have partially done so. Measures to prevent the abuse of asylum procedures are fully developed and enforced in only one State. More work needs to be done in the area of customs, to include increased cargo security and the implementation of international standards and procedures, as only five States have introduced partial controls in this area. International standards for aviation security are only partially implemented in four States. International standards on maritime security are fully implemented in one State, and partially in three. One State has fully implemented measures to prevent the illegal cross-border movement of persons, and five States have partially implemented such measures, but long maritime and land borders will continue to pose challenges to border control in some States. All seven States have only partially implemented measures to prevent smuggling of arms and explosives.

Domestic security and law enforcement agencies

13. While most States in the subregion are known to have established counter-terrorism law enforcement units, only three States have set up adequate institutional structures and the inter-agency coordination necessary to deal with counter-terrorism issues. All States have taken some steps to regulate the production, sale and transfer of arms and explosives.

International cooperation

14. Two States have introduced comprehensive domestic laws on mutual legal assistance and extradition. Others rely on multilateral and bilateral treaties and this may, in some circumstances, limit their capacity to respond positively to such requests from a wide range of States. Five States have procedures in place for the exchange of information. The rate of ratification of the international counter-terrorism instruments overall is high, as all seven States have ratified 10 or more of the 16 instruments.

General comments

15. Because of the serious ongoing terrorist threat to the subregion, all North African States have adopted some of the relevant legislative and counter-terrorism measures. However, it is not clear how well these measures have been implemented. In view of the high levels of worker-remittance transfers in the subregion, and regional patterns of reliance on informal, non-bank transfer mechanisms, action to regulate alternative remittance systems and prevent the abuse of non-profit organizations is of priority importance.

16. Despite the significant measures taken by some Member States, long maritime and land borders will continue to pose serious challenges to border control in some States.

Priority recommendations for future action by the Committee

17. The primary recommendations are:

(a) Encourage States to enhance border security at points of entry in order to prevent the illegal cross-border movement of persons, cargo and arms/explosives, as well as currency and other bearer instruments;

(b) Encourage States to take adequate measures to protect their non-profit sector from abuse by terrorist financing;

(c) Encourage States to take action to prevent the abuse of informal worker-remittance networks for the purpose of terrorist financing.

East Africa
(Burundi, Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mozambique, Rwanda, Seychelles, Somalia, Uganda and United Republic of Tanzania)

Areas of assessment

Legislation

18. Of the 13 States in the East Africa subregion, 2 have introduced a comprehensive legal framework for counter-terrorism responses and adequately incorporated the offences set forth in the international counter-terrorism instruments into their domestic law. Six others have partially incorporated these offences, while five States have not incorporated them at all. Five States have adequate measures for the suppression of terrorist recruitment, while four have none. Four States have established adequate jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

19. Two States have criminalized terrorist financing, while a further five have introduced some legal provisions to address the issue. Although six States have introduced an anti-money-laundering law, only two of these States have an operational financial intelligence unit. No State in the subregion has adopted a range of measures to prevent informal remittances for the purpose of terrorist financing, although six have some controls in place. No State has the capacity to freeze without delay funds and assets linked to terrorism, although some States have made progress on this issue. No State implements adequate measures to protect non-profit organizations from terrorist financing, although eight do implement some measures in this regard.

Border control

20. One State has fully implemented procedures and methods to screen travellers effectively, and nine States have partially implemented such procedures. Some measures have been taken to detect forged travel documents in 10 States, but the security and integrity of procedures for issuing identity and travel documents need to be enhanced. Measures to prevent the abuse of asylum procedures are partially in place in only five States. Six States have established some appropriate customs and cargo security procedures, but most have yet to implement the relevant international standards and procedures. International standards on aviation security are partially implemented in five States, while only four States have implemented international maritime security standards. Ten States have partially implemented measures to prevent the illegal cross-border movement of persons. Nine States have some measures in place to detect and prevent the smuggling of arms and explosives, but it is unclear how effectively these measures are implemented.

Domestic security and law enforcement agencies

21. Five States have partially developed strategies and institutional structures to combat terrorism, and there is some degree of coordination between the law enforcement agencies dealing with counter-terrorism issues. The remaining eight States have not provided sufficient information to permit an assessment. Four States

have set up specialized counter-terrorism law enforcement units and three have taken steps in this direction. A total of 12 States have taken steps to regulate the production, sale and transfer of arms and explosives, although only 2 have fully implemented such measures.

International cooperation

22. Eleven States have either no laws, or limited laws in place for mutual legal assistance and extradition. One State has introduced comprehensive domestic laws on mutual legal assistance and extradition. Four States have no such laws, and this may limit their ability to respond positively to such requests from other States. Only 1 State has adequate procedures in place for the exchange of information, but 10 others have partial measures in place. The rate of ratification of the international counter-terrorism instruments varies widely: seven States have ratified at least 10 of the instruments, while one State has ratified none and another State has ratified only one.

General comments

23. East Africa has been the victim of terrorism in the past, and there is a high level of terrorist threat, due to continued political instability. However, most States have yet to take strong legislative and practical measures on counter-terrorism issues. States must submit information on their laws and on their implementation so that the Committee can better gauge their immediate needs and priorities.

24. All States in the subregion have cash-based economies, and this increases the risk that terrorist financing will occur via physical cross-border transportation of currency and other bearer instruments, and informal transfers of money and value through alternative remittance systems.

25. Given the political instability in some parts of the subregion, intensified action to control maritime and land borders, and in particular to prevent arms smuggling, is required. However, in view of the long land and maritime borders, this will continue to be a serious challenge for Governments of the subregion.

26. Lack of reporting by States of this subregion regarding many areas of law enforcement and border control has hampered the assessment of whether measures to combat terrorism actually exist and are being effectively implemented. States are urged to report to the Committee on the policies and controls being developed and utilized in these areas.

Priority recommendations for future action by the Committee

27. The priority recommendations are:

(a) Promote the adoption of national counter-terrorism legal frameworks that are comprehensive and coherent and include all terrorist offences set forth in the international counter-terrorism instruments;

(b) Encourage States to monitor the physical cross-border transportation of currency and other bearer instruments;

(c) Encourage States to intensify efforts to enhance border security at points of entry in order to prevent the illegal cross-border movement of persons, cargo and arms/explosives.

Southern Africa
(Angola, Botswana, Lesotho, Malawi, Mauritius, Namibia, South Africa, Swaziland, Zambia and Zimbabwe)

Areas of assessment

Legislation

28. Of the 10 States in the subregion, only 2 have a comprehensive counter-terrorism legal framework that incorporates the relevant terrorist offences into domestic law. Four States have partially incorporated the offences, while three have not done so at all. Three States have adequate measures in place for the suppression of terrorist recruitment, and six have partial measures. Three States have established adequate jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

29. Only two States have criminalized terrorist financing, but two others have introduced some legal provisions to address the issue. Anti-money-laundering laws are now in place in six States. Two States have operational financial intelligence units. Only one has adopted a range of measures to regulate financial transfers through informal remittance systems. Some States implement measures to freeze without delay funds and assets linked to terrorism but capacity is generally limited throughout the subregion. No State implements adequate measures to protect non-profit organizations from terrorist financing, but six implement some measures in this regard.

Border control

30. One State has implemented procedures and methods to screen travellers effectively, and eight States have partially done so. Eight States have instituted some practices to detect fraudulent travel documents, but greater control over the procedure for issuing identity and travel documents is required. Only one State has fully implemented measures to ensure that asylum and refugee seekers have not committed terrorist acts, although eight States have some checks in place. Six States have some measures in place to ensure cargo security and have implemented international customs clearance measures and control standards. International standards for aviation security are partially implemented in six States, but only two States have implemented maritime security standards. Nine States have partially implemented measures to prevent the illegal cross-border movement of persons. Seven have partially implemented measures to prevent the smuggling of arms and explosives, and one State has full capability.

Domestic security and law enforcement agencies

31. Two States have the institutional structures and strategies in place to deal with terrorism issues, and another three have partially established the necessary structures. Coordination between law enforcement agencies is effective in two States and is carried out to some degree in another three. Two States have established dedicated counter-terrorism units, and two others have taken some steps in this regard. Three States have taken adequate steps to regulate the production, sale and transfer of arms and explosives, while six States have taken partial measures.

International cooperation

32. Two States have introduced comprehensive domestic laws on mutual legal assistance and extradition and adequate procedures for the exchange of information. The remainder have partially implemented these measures. The rate of ratification of international counter-terrorism instruments varies widely: four States have ratified at least 10 of the instruments, while three States have ratified 4 or fewer.

General comments

33. All Southern African States have adopted some of the relevant legislative and other counter-terrorism measures. However, it is not clear how well these measures have been implemented. The rate of ratification of the international counter-terrorism instruments is generally low (with some notable exceptions).

34. There is therefore a need to promote ratification in the subregion and ensure that ratified instruments are fully incorporated into domestic law.

35. All States in the subregion have predominantly cash-based economies, and this increases the risk that terrorist financing could occur via physical cross-border transportation of currency and other bearer instruments, as well as by informal transfers of money and value through alternative remittance systems.

36. Long maritime borders and land borders will continue to pose serious challenges to border control efforts in some States.

Priority recommendations for future action by the Committee

37. The priority recommendations are:

(a) Promote the adoption of the international counter-terrorism instruments and legislation to fully implement the international counter-terrorism instruments across the subregion;

(b) Encourage States to monitor the physical cross-border transportation of currency and other bearer instruments;

(c) Promote the wider use of traveller and travel document screening tools and databases, and encourage measures to strengthen the security and integrity of procedures for issuing identity papers and travel documents.

West and Central Africa (Benin, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone and Togo)

Areas of assessment

Legislation

38. Of the 23 States of West and Central Africa, 16 have partially incorporated the offences set forth in the international counte. terrorism instruments into their domestic law, while 5 have not done so and there is insufficient information

concerning the other 2. Three States have adequate measures in place for the suppression of terrorist recruitment, while nine have partial measures in place. Four States have established adequate jurisdiction for the relevant offences in their legislation, but for most States there is insufficient information on this issue.

Counter-financing of terrorism

39. Only one State has adopted legislation to criminalize the financing of terrorism, but seven others have introduced some legal provisions to address the issue. A total of 12 States have anti-money-laundering laws in place. However, only two have set up financial intelligence units. There is a lack of information concerning regulation of alternative remittance systems in 14 States. The capacity to freeze without delay funds and assets linked to terrorism is limited in most States, while six have no measures in place. No State implements adequate measures to protect non-profit organizations from terrorist financing, although eight States do implement some measures in this regard.

Border control

40. A total of 13 States have implemented some procedures and methods to screen travellers effectively against available counter-terrorism databases. Some measures have been taken in the area of detecting forged travel documents in 16 States, but the security and integrity of procedures for issuing identity and travel documents need to be enhanced. Measures to prevent the abuse of asylum procedures have been fully developed and enforced in nine States, and partially in another three. More work needs to be done in the area of customs, to include increased cargo security and the implementation of international standards and procedures, as only 14 States have partially complied, and for nine there is insufficient information. Similarly, international standards for aviation security are only partially implemented in 12 States, and information is lacking for the remaining 11. Of the 17 States with maritime borders, there is a lack of information with respect to 10, and 7 have reported only partial implementation of measures to ensure port and ship security. No State has fully implemented measures to prevent the illegal cross-border movement of persons, although nine have introduced partial measures. A total of 18 States have reported either full or partial implementation of control mechanisms to detect and prevent arms and explosives trafficking.

Domestic security and law enforcement agencies

41. Although 7 States have not yet provided sufficient information, 16 have reported that they have institutional structures in place to implement counter-terrorism strategies. Only 2 States have fully coordinating law enforcement agencies, although another 14 have reported some level of inter-agency coordination. Six States in the subregion are known to have counter-terrorism law enforcement units and another six have taken steps in this direction. All 18 States that have reported on the import and export of weapons have taken some steps to regulate the production, sale and transfer of arms and explosives.

International cooperation

42. Two States have comprehensive domestic laws on mutual legal assistance and extradition, while the remaining States need to strengthen their domestic legal

framework to improve their cooperation in criminal matters. A total of 19 States have some procedures in place for the exchange of information. The rate of ratification of the international counter-terrorism instruments varies widely: 12 States have ratified at least 10 of the instruments, while 4 States have ratified 5 or fewer.

General comments

43. Most States have reported relatively comprehensively on the adoption of legislation and financial regulations, but information regarding practical implementation, including in areas such as law enforcement and border control, has been less forthcoming. It is clear, nonetheless, that long maritime border and porous land borders in some States will continue to pose serious challenges to the border control efforts of all States of the subregion.

44. All States of the subregion have predominantly cash-based economies, and this increases the risk that terrorist financing will occur via physical cross-border transportation of currency and other bearer instruments, and informal transfers of money and value through alternative remittance systems.

45. A common feature is the lack of technical and financial resources needed to implement the resolution in full. Consequently, and also in view of the fact that many challenges are the same for all States, it might be better to address technical assistance needs, in selected areas, on a collective basis.

Priority recommendations for future action by the Committee

46. The priority recommendations are:

(a) Promote the adoption of national counter-terrorism legal frameworks that are comprehensive and coherent and include all terrorist offences set forth in the international counter-terrorism instruments;

(b) Encourage States to enhance border security at points of entry in order to prevent the illegal cross-border movement of persons, cargo and arms/explosives, as well as currency and other bearer instruments;

(c) Promote the adoption of stronger domestic controls of arms and explosives.

B. Asia

East Asia
(China, Democratic People's Republic of Korea, Japan, Mongolia and Republic of Korea)

Areas of assessment

Legislation

47. Two of the five States of the subregion have introduced comprehensive legislation covering the relevant terrorist offences, while two others have draft counter-terrorism laws that are either under consideration or pending adoption. Four States have adequate legal provisions for the suppression of terrorist recruitment.

Two States have established adequate jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

48. One State has criminalized terrorist financing and two others have introduced some legal provisions to address the issue. All but one State (for which there is insufficient information) have introduced anti-money-laundering laws. Four States have established financial intelligence units, of which three are operational. Three States implement some measures to regulate financial transfers through informal remittance systems. Two States have some capacity to freeze without delay funds and assets linked to terrorism and two are limited by their legislative frameworks, while for the fifth State there is insufficient information to make a determination. Four States implement some measures to protect non-profit organizations from terrorist financing.

Border control

49. This subregion has made progress in the area of immigration, notably with respect to the screening of travellers, the introduction of security controls in the issuance of identity papers and travel documents, and practices to detect fraudulent identity and travel documents. Three States have implemented effective measures in these areas, and two have achieved partial implementation. Two States have implemented controls to prevent the asylum system from being abused by terrorists, but one has taken few steps to control the asylum process and two States have not reported sufficient information. International standards and procedures for customs clearance and cargo security have been adequately implemented in three States, and partially in one. In the area of aviation security, four States have partially implemented international standards. International standards for port and ship security have been implemented by three States. Most States have partially implemented measures to prevent the illegal cross-border movement of persons. Three States in this subregion are able to combat trafficking in arms and explosives.

Domestic security and law enforcement agencies

50. Four States have developed strategies and set up institutional structures to combat terrorism. Law enforcement agencies in these States coordinate some of their counter-terrorism activities. Three States have created dedicated counter-terrorism units, while two others have yet to report in this area. All States have implemented measures for the monitoring, regulation and control of the production, sale and transfer of arms and explosives.

International cooperation

51. Three States have introduced effective legal frameworks to ensure mutual legal assistance and extradition, as well as adequate mechanisms, promptly and effectively to exchange information with international counterparts. The rate of ratification of the international counter-terrorism instruments is high, with four States having ratified 10 or more.

General comments

52. There is considerable variation in this subregion, as States are at different stages of implementing resolution 1373 (2001). It is therefore difficult to generalize. Some provide counter-terrorism assistance, while others are States in need of assistance. Terrorism is regarded as a serious threat by one State.

53. Most States have taken steps to put in place the necessary laws and measures to implement the resolution, but the early passage of outstanding draft legislation would further improve their current counter-terrorism legal framework.

54. Capacity-building in law enforcement agencies and effective border control measures are needed in several States.

Priority recommendations for future action by the Committee

55. The priority recommendations are:

(a) Encourage States to develop comprehensive legal frameworks that incorporate the necessary terrorist offences into domestic law;

(b) Promote the implementation of international border-control standards;

(c) Assist States to improve their capacity to freeze funds and assets linked to terrorism.

Pacific islands
(Fiji, Kiribati, Marshall Islands, Micronesia (Federated Sates of), Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu)

Areas of assessment

Legislation

56. All States except one have taken some steps to set up a comprehensive counter-terrorism legal framework incorporating the terrorism-related offences. Six States in the subregion have not introduced measures for the suppression of terrorist recruitment, while four have introduced some provisions. Four States have established adequate jurisdiction for the relevant offences in their legislation, while three have not done so.

Counter-financing of terrorism

57. Two States have criminalized terrorist financing and four have introduced some related legal provisions. All States have adopted anti-money-laundering legislation. Only one State has set up a financial intelligence unit. Nine States have some measures in place to regulate financial transfers through alternate remittance systems. The capacity to freeze without delay funds and assets linked to terrorism is limited in all States, although some progress has been made in this direction in several States. No State implements adequate measures to safeguard non-profit organizations from terrorist financing.

Border control

58. Six States have fully implemented measures to ensure the security of the issuance of travel documents and detect their fraudulent use, and two others have made some efforts. Only five States have some of the required measures in place for the effective screening of travellers, while the remaining seven have not provided sufficient information to permit an assessment. Measures to prevent abuse of the asylum process are well developed in one State and only partially in five. Information is lacking in reports from this subregion regarding customs, aviation and maritime security. Most States have taken some steps to prevent the illegal cross-border movement of people, but only one has imposed the necessary controls to combat trafficking in arms and explosives. The remaining 11 States have not reported in this area.

Domestic security and law enforcement agencies

59. Three States have established dedicated counter-terrorism units within their law enforcement agencies, three have partially done so, and six have not provided information in this regard. Most States in the subregion have a counter-terrorism strategy in place. One State has established neither a counter-terrorism strategy nor the required organizational structures. All States have put in place legislation and measures to regulate and monitor the production, sale and transfer of arms and explosives. However, the information submitted is not sufficient to permit an assessment of the effectiveness of their implementation.

International cooperation

60. Four States have enacted comprehensive laws on mutual legal assistance and extradition, while others have some mechanisms to address international cooperation. Five have adequate procedures in place for the exchange of information. The rate of ratification of the international counter-terrorism instruments varies widely: four States have ratified 10 or more, while four have ratified six or fewer.

General comments

61. Activities involving terrorist groups have had little or no direct effect on the subregion; however, terrorism has affected other States in Asia, and there is a risk that it will spread to the Pacific islands, especially if financial, law enforcement and border control capacities are not strengthened.

62. As States in this subregion have provided little information about practical measures taken to counter terrorism, the assessment is necessarily incomplete.

63. Because of the particular geographical features of the islands and atolls of this subregion, border control and strengthening the capacities of law enforcement agencies, and coordination among them, are important issues.

Priority recommendations for future action by the Committee

64. The priority recommendations are:

(a) Promote the adoption of the international counter-terrorism instruments and legislation to fully implement them;

(b) Help States improve their use of traveller and travel document screening tools and databases, and promote the adoption of measures to ensure the security and integrity of procedures for issuing identity papers and travel documents;

(c) Encourage States to implement more completely all international standards concerning aviation, maritime and cargo security.

South-East Asia (Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand, Timor-Leste and Viet Nam)

Areas of assessment

Legislation

65. Five of the 11 States in the South-East Asia subregion have introduced comprehensive counter-terrorism legislation that adequately incorporates the terrorist offences, and six others have introduced laws covering some of them. Three States have introduced adequate measures for the suppression of terrorist recruitment, while six have not done so. Five have established adequate jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

66. Five States have legislation in place criminalizing the financing of terrorism, and anti-money-laundering laws are now in place in nine States. Six States have operational financial intelligence units. There has been progress in several States on improving capacity to freeze terrorists' funds and assets linked to terrorism, although implementation across the region is uneven. No State implements adequate measures to protect the non-profit sector from terrorist financing.

Border control

67. Eight States of this subregion have effective or partially effective controls on the issuance of identity papers and travel documents and the detection of fraudulent documents. Only one State adequately screens travellers against available counter-terrorism databases, and five others have some procedures in place. Measures to ensure that asylum procedures are not abused are lacking, with only one State having implemented adequate measures and two others having implemented partial measures. International standards for customs procedures and security have been introduced in two States and partially introduced in four others. Insufficient information precludes assessment of the remaining five. No State has fully implemented international standards for aviation security, and only four have partially instituted them. Information is lacking in this area for six States. Only one State has implemented international standards for maritime security, although seven have made some effort. Only one State has fully implemented measures to prevent the illegal movement of persons across borders, while the rest are in the process of developing relevant laws and procedures. The detection and prevention of arms and explosives trafficking is reasonably well handled across the subregion, with seven States having fully or partially implemented appropriate control mechanisms.

Domestic security and law enforcement agencies

68. At least six States have developed sufficient coordination among their law enforcement agencies to ensure coherent strategies to deal with potential threats. Six States have already established dedicated counter-terrorism units, and one other is in the process of doing so. Laws on the production and transfer of arms and explosives are adequate across the subregion, although one State has yet to provide sufficient information. However, additional information on the law enforcement measures used to ensure effective control over the production, sale and transfer of arms and explosives would permit a better assessment of effectiveness in this area.

International cooperation

69. Five States in the subregion have introduced laws enabling the extradition of terrorists, and six have established effective mechanisms on information exchange. Four States have ratified 10 or more international counter-terrorism instruments, while one is a party to none.

General comments

70. This subregion has suffered major terrorist attacks in recent years, but has made progress in addressing the threat through various legislative, judicial, police, military and educational initiatives. Regional cooperation to combat terrorism has been enhanced through a series of mechanisms and processes, including the adoption in 2007 of the Association of Southeast Asian Nations Convention on Counter-Terrorism.

71. The threat remains, and vulnerabilities exist in border control and in combating the financing of terrorism. A significant problem is the lack of direct access to international counter-terrorism information when screening travellers upon entering or exiting the States of this subregion.

72. There are significant shortfalls in the implementation of international standards for aviation, maritime and cargo security, which heightens the risk of terrorism.

73. Many States in the subregion have cash-based economies and/or receive significant numbers of remittances from migrant workers overseas. Both factors increase the risk that terrorist financing occurs via physical cross-border transportation of currency and other bearer instruments, as well as by informal transfers of money and value through alternative remittance systems.

Priority recommendations for future action by the Committee

74. The priority recommendations are:

(a) Promote the development of comprehensive and coherent counter-terrorism legal frameworks that include measures to address the suppression of terrorist recruitment;

(b) Encourage those States that have not yet criminalized the financing of terrorism to do so as a matter of urgency, to take adequate measures to protect their non-profit sector from abuse by terrorist financing, and to monitor cross-border transportation of currency and other instruments;

(c) Help States improve access to international counter-terrorism and criminal databases, lists and alerts, in order to enhance the effectiveness of passenger-screening procedures, travel document security, and measures to prevent the illegal movement of people, cargo and weapons.

South Asia (Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka)

Areas of assessment

Legislation

75. Only one of the eight States in this subregion has adequate legislation in place covering all the relevant terrorist offences. Four States have introduced legislation covering only some of the terrorist offences. Four States have specifically introduced measures for the suppression of terrorist recruitment. Three States have established adequate jurisdiction for the relevant offences in their legislation, while two have not done so.

Counter-financing of terrorism

76. Four States have criminalized terrorist financing to some degree. Three have introduced anti-money-laundering laws. Only two have set up financial intelligence units, and three have some measures in place to regulate financial transfers through informal remittance systems. Most States have limited capacity to freeze funds and assets without delay, and no State implements adequate measures to protect non-profit organizations from terrorist financing.

Border control

77. Progress has been made in the area of immigration, notably with regard to security controls in the issuance of identity papers and travel documents, and practices to detect fraudulent identity and travel documents. Three States have implemented effective measures in those areas, and two have achieved partial implementation. The screening of travellers against international databases is carried out fully by three States and partially by three others. In the area of asylum, no State has reported adequate implementation. International standards and procedures for customs clearance and cargo security have been implemented in two States, and partially in three. In the area of aviation security, only one State has implemented international standards, and four others have achieved partial implementation. International standards for port and ship security have been implemented by only one State, although three others have taken some measures.

Domestic security and law enforcement agencies

78. Seven States have institutional structures in place to implement counter-terrorism strategies. Law enforcement agencies in two States coordinate activities to a high degree and five States coordinate some of their activities. However, only two have created dedicated counter-terrorism units, and two others are working to set up such units. Seven States have some measures for the monitoring, regulation and control of the production, sale and transfer of arms and explosives.

International cooperation

79. Four States have effective legal systems to ensure mutual legal assistance and extradition, but no State has adequate mechanisms to promptly and effectively exchange information with international counterparts. Five States have ratified 10 or more of the international counter-terrorism instruments.

General comments

80. South Asian States have suffered greatly from terrorism, and all have introduced counter-terrorism mechanisms. However, the lack of specific counter-terrorism laws limits the effectiveness of those mechanisms. Improvements in financial regulations, law enforcement capacity and international cooperation are needed, in particular, if the threat is to be addressed in a comprehensive manner.

81. The growing interlinkages between organized crime and terrorism in the subregion are also a concern, particularly as the subregion is close to two of the world's largest narcotics-producing regions. These linkages further increase the subregion's vulnerability to human and weapons smuggling.

Priority recommendations for future action by the Committee

82. The priority recommendations are:

(a) Promote the adoption by all States of comprehensive and coherent counter-terrorism legal frameworks that would facilitate the implementation of legally sound and consistent counter-terrorism strategies;

(b) Encourage States to take adequate steps to protect their non-profit sector from abuse by terrorist financing;

(c) Encourage States to review refugee/asylum processes in order to ensure that asylum-seekers have not committed terrorist acts, while also ensuring that exclusion and expulsion procedures must be in compliance with international human rights standards.

Central Asia and the Caucasus (Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan)

Areas of assessment

Legislation

83. Seven of the eight States in the subregion have adequate legislation in place to cover the relevant terrorist offences, and seven have introduced measures for the suppression of terrorist recruitment. All States in the subregion have established jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

84. Six States have criminalized terrorist financing to some degree. Three have adopted anti-money-laundering laws. Three have operational financial intelligence units. Only two seem to have some control over financial transfers through informal

remittance systems. The capacity to freeze funds and assets linked to terrorism is mostly inadequate and limited in all States. No State implements adequate measures to protect non-profit organizations from terrorist financing.

Border control

85. Travel document security, measures to detect fraudulent identity and travel documents, and screening of travellers are implemented in all eight States. However, those measures are not fully effective because of the topography of the subregion and the lack of resources. Asylum procedures are protected from abuse by terrorists in seven States and partially in one. Customs clearance measures and control standards are implemented in six States, as are procedures to ensure cargo security. International standards for aviation security are adequately implemented in six States, with information being insufficient to evaluate the remaining two. Of the four States with maritime borders, there is insufficient information to evaluate their implementation of international standards for port and ship security. Legislation to prevent the illegal cross-border movement of persons is in place, but implementation is still lacking.

Domestic security and law enforcement agencies

86. Seven States have developed counter-terrorism strategies and the institutions necessary to implement them. Their agencies cooperate domestically and with regional and international bodies. Seven States have dedicated counter-terrorism units within their domestic security apparatus. Although eight States have legislation and institutions in place to monitor, regulate and control the production, sale and transfer of arms and explosives, the implementation of measures to monitor and prevent their smuggling is insufficient.

International cooperation

87. All States have comprehensive domestic laws on mutual legal assistance and extradition. Seven have procedures for the exchange of information. States of this subregion have a high rate of ratification of the international counter-terrorism instruments. All States have ratified 10 or more.

General comments

88. The frozen conflicts in the Caucasus, the subregion's extensive and difficult topography and the lack of financial and material resources impede effective border control and security. The physical cross-border transportation of currency and other bearer instruments is of particular concern.

89. Although States in the subregion have the necessary legislation and institutions to combat the smuggling of persons, arms and explosives, the practical implementation of measures to monitor and prevent illegal cross-border movements is lacking.

Priority recommendations for future action by the Committee

90. The priority recommendations are:

(a) Encourage States to introduce comprehensive anti-money-laundering/counter-financing of terrorism legislation and monitor the physical cross-border transportation of currency and other bearer instruments;

(b) Encourage States to build the capacity of their prosecutorial and judicial agencies in order to deal effectively with serious offences, including acts of terrorism, and to take advantage of law enforcement and other training opportunities to enhance the implementation of counter-terrorism laws and improve coordination among their law enforcement structures;

(c) Encourage States to increase the exchange of information among regional border control authorities and to enhance border security at points of entry in order to prevent the illegal cross-border movement of persons, cargo and arms/explosives.

Western Asia
(Bahrain, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen)

Areas of assessment

Legislation

91. Of the 12 States in the subregion, 2 have adequately incorporated the offences set forth in the international counter-terrorism instruments into their domestic law, while eight have done so partially. Six States have adequate measures for the suppression of terrorist recruitment and have established jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

92. Three States have adequately criminalized terrorist financing, and four others have introduced some legal provisions to address the issue. Nine States have an anti-money-laundering law in place, and eight have an operational financial intelligence unit. Six have adopted a range of measures to regulate alternative remittance systems, while four have some measures in place. Only a few States in the subregion have a high level of capacity to freeze without delay funds and assets linked to terrorism. No State implements adequate measures to protect non-profit organizations from terrorist financing, although most States do implement some measures in this regard.

Border control

93. A total of 10 States have either full or partial ability to control the issuance of identity papers and travel documents, and can also detect fraudulent or falsified documents. Five States can adequately screen travellers, and an additional six have some procedures in place. Five States have partial measures in place to protect the asylum procedure from abuse, and two have fully introduced such controls. International standards and procedures for customs clearance and cargo security have been fully implemented in only one State and partially implemented in six. In the area of aviation security, only one State has fully implemented international standards, though an additional five have achieved partial implementation.

International standards for port and ship security have been partially implemented by three States and fully implemented by only one. Six States have partial measures to prevent the illegal movement of persons across borders, one has not yet developed its laws and procedures, and the remaining five have not reported. In the area of arms and explosives smuggling, all but four States have provided information indicating that they have some ability to monitor and control the import and export of arms and explosives.

Domestic security and law enforcement agencies

94. All States but one, for which information is lacking, have developed strategies and institutional structures to combat terrorism, and there is either full or partial coordination among law enforcement agencies dealing with counter-terrorism issues. Five States have set up specialized counter-terrorism law enforcement units, and three have taken steps in this direction. All States have taken steps to regulate the production, sale and transfer of arms and explosives, although only four have fully implemented such measures.

International cooperation

95. Three States have comprehensive domestic laws on mutual legal assistance and extradition, while three States do not. Others rely on multilateral and bilateral treaties, and this may in some circumstances limit their capacity to respond positively to such requests from a wide range of States. Three States have adequate procedures in place for the exchange of information, while eight have partial measures. The rate of ratification of international counter-terrorism instruments is high: eight States have ratified at least 10.

General comments

96. States in the Western Asia subregion have suffered from a large number of terrorist attacks. They have taken significant remedial steps, including strengthening their counter-terrorism legislation. In view of the instability in some areas and the resulting displacement of people across borders, there is a priority need to enhance border control, screen travellers and prevent the smuggling of weapons.

97. Given the high levels of international worker-remittance transfers in the subregion and regional patterns of reliance on informal, non-bank transfer mechanisms, action to regulate alternative remittance systems is a priority. Action to prevent the abuse of non-profit organizations is also a priority.

98. A lack of reporting with respect to law enforcement and border control has hampered assessment of whether measures to combat terrorism have been put in place and are being effectively implemented. States are urged to report on the policies and controls being developed and utilized in those areas.

Priority recommendations for future action by the Committee

99. The priority recommendations are:

(a) Promote the adoption of legislation to fully implement the international counter-terrorism instruments across the subregion;

(b) Encourage States to take action to prevent the abuse of informal worker remittance networks for the purpose of terrorist financing;

(c) Encourage States to take adequate measures to protect their non-profit sector from abuse by terrorist financing.

C. Latin America

Central America and the Caribbean (Antigua and Barbuda, Bahamas, Barbados, Belize, Costa Rica, Cuba, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago)

Areas of assessment

Legislation

100. All 21 States of the subregion have partially incorporated the relevant terrorist offences into their counter-terrorism legislative framework. Six States have adequate measures for the suppression of terrorist recruitment. Seven have established adequate jurisdiction for the relevant offences in their legislation, five have taken some steps in this regard, and there is insufficient information with respect to nine States.

Counter-financing of terrorism

101. Six States have yet to criminalize terrorist financing. Anti-money-laundering laws are at least partially in place in 20 States. A total of 11 States have operational financial intelligence units. Only one State has adequate measures in place to regulate financial transfers through informal remittance systems. Most States have little capacity to freeze funds and assets linked to terrorism, although some States have made progress in this area. No State in the subregion implements adequate measures to protect non-profit organizations from terrorist financing.

Border control

102. Measures have been taken to detect forged travel documents in 11 States, but there is a need for greater security and integrity in the issuance of identity and travel documents. Four additional States have some ability in this area. Seven have implemented procedures and methods to screen travellers effectively against national and international databases. Four States have developed measures to prevent the abuse of asylum procedures. Nine have some measures in place to ensure cargo security and have implemented international standards and procedures. International aviation security standards are implemented in three States and partially implemented in another six. Information is lacking in these areas for the remaining States. There is a dearth of reporting in the area of maritime security, with only seven States having provided information. Of these, five have implemented international standards and another two have taken some steps. Only three States appear to have fully implemented measures to prevent the illegal cross-border

movement of persons, while seven have partially implemented such measures. Eleven States have enforced some measure of controls to prevent the smuggling of arms and explosives.

Domestic security and law enforcement agencies

103. Six States have adequate institutional structures and inter-agency coordination to deal with counter-terrorism matters, and another nine have some policies and procedures in place. Only three States in the subregion appear to have established dedicated units within their law enforcement agencies to address terrorism issues. Additional information is required for all States but two regarding their implementation measures to regulate the production, sale and transfer of arms and explosives.

International cooperation

104. Six States have comprehensive domestic laws on mutual legal assistance and extradition. A total of 13 States have procedures for the exchange of information, and 14 States have ratified 10 or more of the international counter-terrorism instruments.

General comments

105. While counter-financing of terrorism measures have improved across the subregion, shortfalls remain with respect, in particular, to the development of freezing mechanisms, the regulation of alternative remittance systems and the monitoring of non-profit organizations. Border control and law enforcement capacity appear to be weak, although hosting the Cricket World Cup in the Caribbean in 2007 appears to have brought some improvements in those areas. In general, the terrorist threat is considered low in the subregion.

106. The prevalence in the subregion of trafficking of arms and drugs reveals the weakness of border controls, and there is increasing concern that this may be potentially abused by terrorist networks.

107. A lack of reporting by States in many areas of law enforcement and border control has hampered assessment of whether measures to combat terrorism have been put in place and are being effectively implemented. States are urged to report on policies and controls being developed and utilized in those areas.

Priority recommendations for future action by the Committee

108. The priority recommendations are:

(a) Encourage States to take action to prevent the abuse of informal worker remittance networks for the purpose of terrorist financing;

(b) Encourage States to take adequate measures to protect their non-profit sectors from abuse by terrorist financing and to improve their capacity to freeze funds and assets linked to terrorism;

(c) Encourage States to enhance border security at points of entry in order to prevent illegal cross-border movement of persons, cargo and arms/explosives, as well as the physical cross-border transportation of currency and other bearer instruments.

South America (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela (Bolivarian Republic of))

Areas of assessment

Legislation

109. Five States have a comprehensive legal framework that adequately incorporates the relevant terrorist offences. Four States have introduced adequate measures for the suppression of terrorist recruitment, and eight have established adequate jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

110. Two States have adopted legislation to criminalize the financing of terrorism, and four others have introduced legal provisions to address the issue. Anti-money-laundering laws are in force in all but one State. Four States have operational financial intelligence units. Only one State has adopted a range of measures to regulate financial transfers through informal remittance systems, although seven others have some controls in place. Most States have little capacity to freeze without delay funds and assets linked to terrorism, although at least one State has a high level of implementation. No State implements adequate measures to protect non-profit organizations from terrorist financing.

Border control

111. The issuance and control of travel documents is effective in eight States of the subregion. Five have implemented effective screening procedures for travellers, and two others have some procedures in place. Six States have implemented adequate measures to prevent abuse of asylum procedures. Customs controls are particularly weak in the subregion. Only one State has adequate provisions in place, although eight States have partial provisions. There is a general need to strengthen airport security, as only three States meet full international requirements and five have implemented partial provisions. Only two States comply with maritime security standards, five have partial provisions, and the rest have not provided adequate information. Three States have adequate legislation and border controls to prevent the illegal cross-border movement of people. Seven States have implemented some measures to monitor and detect the smuggling of weapons and explosives, one has implemented all measures, and four have not provided sufficient information.

Domestic security and law enforcement agencies

112. Six States have fairly strong law enforcement capacity and adequate focus and institutional capacity to deal with counter-terrorism matters. Those States have created dedicated counter-terrorism units. A more comprehensive assessment would require additional information from four States. Seven States have mechanisms for the coordination of counter-terrorism efforts.

International cooperation

113. Six States have comprehensive laws on extradition and mutual legal assistance, and seven have adequate procedures for the exchange of information. The subregion has a high rate of ratification of the international counter-terrorism instruments. Nine States have ratified 10 or more instruments, although their incorporation into domestic law has lagged.

General comments

114. Several States in Latin America have a recurring problem with terrorism and other violent crime and activities. However, most States in the subregion regard the threat of a major attack as relatively low.

115. Although the regulatory regimes for financial institutions and other sectors are improving, the criminalization of the financing of terrorism and strengthening of financial investigation systems are needed.

116. Governments have taken steps to improve their counter-terrorism capabilities and tighten border security, but progress is limited by weak institutions, ineffective inter-agency cooperation and, in some cases, weak legislation. Drugs and arms trafficking are continuing concerns, which will require the implementation of adequate customs and border controls. States in the tri-border area continue to cooperate among themselves in order to better address subregional issues.

Priority recommendations for future action by the Committee

117. The priority recommendations are:

(a) Promote the adoption of legislation to fully implement the international counter-terrorism instruments across the subregion;

(b) Help States improve access to international counter-terrorism and criminal databases, lists and alerts in order to enhance the effectiveness of screening procedures of passengers, travel document security and the prevention of the illegal movement of people and weapons;

(c) Encourage States to implement more completely all international standards concerning aviation, maritime and cargo security.

D. Europe

South-Eastern Europe (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Romania, Serbia and Slovenia)

Areas of assessment

Legislation

118. Legislation against terrorism has improved in the subregion, with four States having a comprehensive legal framework, although laws in four States do not fully cover all the terrorist offences as stipulated in the international counter-terrorism

instruments. Four States have introduced comprehensive measures for the suppression of terrorist recruitment. Five have established adequate jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

119. Five States have criminalized terrorist financing. Seven States have anti-money-laundering laws. Six States have operational financial intelligence units. Only one State has a range of measures to regulate financial transfers through informal remittance systems, but three others have some controls in place. Most States have little capacity to freeze without delay funds and assets linked to terrorism. No State implements adequate measures to protect non-profit organizations from terrorist financing.

Border control

120. Six States have implemented measures to control identity and travel documents, but two need to improve document security and their ability to detect fraudulent papers. The screening of travellers against national and international databases is carried out effectively in only four States, only partially in another and not at all in one. Two States have not reported in this regard. There is insufficient information for four States to assess whether measures to protect the asylum system have been implemented, although three States have reported full implementation, and another has reported partial implementation. With regard to international standards for customs procedures and security, implementation is weak, with only three States reporting partial use of such standards. The situation is the same in aviation security. Maritime security standards are partially implemented by only two of the seven States with maritime borders. More information is needed in order to make a proper assessment in those areas. Only three States have sufficient legislation and border controls to prevent illegal cross-border movement of people, but two others have some capabilities. Four States have policies and measures in place to counter the trafficking of arms and explosives, two have some measures, and one has no capacity in that area.

Domestic security and law enforcement agencies

121. Seven States of the subregion have developed, either fully or partially, the strategies, institutions and inter-agency relationships necessary to combat terrorism. Two States have dedicated counter-terrorism capacity within their law enforcement agencies, and five have taken steps in that direction. Almost all States report the introduction of significant laws for the control and production of weapons.

International cooperation

122. Seven States have adequate provisions on mutual legal assistance and exchange of information. The rate of ratification of the international instruments is high across the subregion, as all States have ratified 10 or more instruments. The level of cooperation with European States is high, while it remains low within South-Eastern Europe, due largely to political tensions.

General comment

123. Despite the difficult recent history of the subregion, most States are making good progress in most areas of counter-terrorism, including legislation, financial regulations and international cooperation, with the exception of one or two States that need improvement. However, many States have provided insufficient information to allow proper assessment to be made in many areas of border control and domestic security/law enforcement. In general, insufficient border controls and weak law enforcement capacity raise concerns, particularly as arms trafficking and human smuggling are major problems in the subregion.

Priority recommendations for future action by the Committee

124. The priority recommendations are:

(a) Encourage States to build the capacity of their prosecutorial and judicial agencies in order to deal effectively with serious offences, including acts of terrorism, and provide training to those agencies;

(b) Facilitate the establishment of the regional mechanisms needed for international cooperation in criminal proceedings;

(c) Provide training on international cooperation to the relevant judicial and prosecutorial agencies;

(d) Encourage States to strengthen border security at points of entry in order to prevent illegal cross-border movement of persons, cargo and arms/explosives, as well as currency and other bearer instruments.

Eastern Europe (Belarus, Czech Republic, Estonia, Hungary, Poland, Latvia, Lithuania, Moldova, Russian Federation, Slovakia and Ukraine)

Areas of assessment

Legislation

125. Six States in the subregion have adequate legislation in place covering all the relevant terrorist offences, and nine have introduced comprehensive measures for the suppression of terrorist recruitment. All have established adequate jurisdiction for the relevant offences in their legislation.

Counter-financing of terrorism

126. All States but two have at least some legal provisions to criminalize terrorist financing. Anti-money-laundering laws are in place in all States, and all except one have operational financial intelligence units. Four States implement a range of measures to control financial transfers through informal remittance systems, while four others have some measures in place. Most States have limited capacity to freeze without delay funds and assets linked to terrorism, although some States in the subregion have made rapid progress in improving implementation in that area. Similarly, no State implements adequate measures to protect non-profit organizations from terrorist financing.

Border control

127. Measures to ensure travel document security, the ability to detect fraudulent identity and travel documents, and the screening of travellers are in place in all 11 States. Asylum procedures are protected from abuse by terrorists in nine States, and are partially protected in one State. Customs clearance measures and procedures to ensure cargo security and control standards are in effect in 10 States. International standards for aviation security have been instituted in nine States, with information being insufficient to evaluate the remaining two. Of the nine States with maritime borders, eight have implemented international standards for port and ship security. Measures to prevent the illegal cross-border movement of persons are implemented in eight States, and nine effectively monitor and control the import and export of arms and explosives.

Domestic security and law enforcement agencies

128. All States — except one, for which there is insufficient information — have developed strategies and set up institutional structures to combat terrorism. All have dedicated counter-terrorism units within their domestic security apparatus. A total of 10 States have policies and measures in place to monitor, regulate and control the production, sale and transfer of arms and explosives.

International cooperation

129. Most States have adequate provision for mutual legal assistance and extradition. All have procedures in place for the exchange of information. The States in the subregion have a high rate of ratification of international counter-terrorism instruments, as all of them have ratified 10 or more.

General comments

130. As most States have the necessary laws on counter-terrorism in place and are parties to a high number of international counter-terrorism instruments, the challenge in the subregion lies in the implementation of laws and practices.

131. On the whole, the subregion has developed the strategies, processes and measures necessary to implement an adequate level of control in the areas of border security, immigration and customs controls. Nonetheless, it remains at risk for the smuggling of arms, explosives, goods and people, as well as the illicit physical cross-border transportation of currency and other bearer instruments.

Priority recommendations for future action by the Committee

132. The priority recommendations are:

(a) Encourage States to build the capacity of their prosecutorial and judicial agencies in order to deal effectively with serious offences, including acts of terrorism;

(b) Encourage States in the subregion to take advantage of law enforcement and other training opportunities in order to enhance the implementation of counter-terrorism laws;

(c) Promote the continued modernization of technical systems in order for States to comply with improved standards for customs security, travel document

security and the prevention of arms/explosives trafficking, as well as the monitoring of cross-border transportation of currency and other bearer instruments.

Western European and other States (Andorra, Australia, Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America)

Areas of assessment

Legislation

133. Most States in this group have either established a comprehensive counter-terrorism legislative framework or are close to establishing one. Steps need to be taken to adequately suppress terrorist financing. Most States have introduced comprehensive measures for the suppression of terrorist recruitment and established jurisdiction for the offences.

Counter-financing of terrorism

134. A total of 11 States have adequately criminalized terrorist financing, and a further 16 have some legal provisions to address the issue. Anti-money-laundering laws are in place in all 30 States. Similarly, all States have set up financial intelligence units. The implementation of measures to regulate financial transfers through informal remittance systems is uneven. Only 7 States have adopted a range of measures to regulate financial transfers through informal remittance systems; 14 others have set up some mechanisms to address the issue; 2 have no mechanisms in place; while for the remaining 7, there is insufficient information. Almost all States have the capacity to freeze without delay funds and assets linked to terrorism, with a few of them having reached a high level of implementation. In addition, the European Union implements a supra-national regime aimed at ensuring that terrorist funds and assets are frozen within all its member States. Only 3 States implement adequate measures to protect non-profit organizations from terrorist financing, although 21 States have some measures in place.

Border control

135. With the exception of four States which have not provided sufficient information to permit assessment, all members of the group have fully implemented measures for the issuance and control of identity and travel documents and detection of their fraudulent use. Screening of travellers is effective in 24 States and is carried out to some degree in 1 other. A total of 25 States have fully implemented controls over their asylum processes in order to prevent abuse by persons who have committed terrorist acts. Customs clearance measures and control standards are partially implemented in 2 States and fully implemented in another 25. Excepting the five States that have not reported adequately, all members of the group have fully implemented international standards on aviation and maritime security. Controls to prevent the illegal cross-border movement of people are implemented

either fully or partially in 22 States. Similarly, 26 States have reported full measures to regulate and control the import and export of arms and explosives, while information is lacking with respect to the remaining 4.

Domestic security and law enforcement agencies

136. Almost every State in the group has adequate mechanisms and institutional structures in place for law enforcement agencies to thoroughly and appropriately participate in counter-terrorism activities. Law enforcement agencies cooperate within their domestic, regional and international frameworks to a high extent. Almost every State has established a dedicated counter-terrorism unit. Every State has reported policies and measures in place to effectively monitor, regulate and control the production, sale and transfer of arms and explosives.

International cooperation

137. States that are members of the group have effective international cooperation measures, and almost all have adequate mutual legal assistance and extradition laws and information exchange procedures in place. The group members have a high rate of ratification of the international counter-terrorism instruments, with 28 of the 30 States having ratified 10 or more instruments.

General comment

138. The group of Western European and other States has made significant progress towards implementation of resolution 1373 (2001), with the exception of a handful of States. However, because of their highly developed economies and sophisticated financial sectors, most members of the group are vulnerable to terrorist financing. Inadequate capacity to freeze without delay funds and assets linked to terrorism is a cause for concern. Measures on border control, domestic security and law enforcement are fully implemented in most States, although a few of them have not reported sufficient information to permit assessment in certain subcategories.

Priority recommendations for future action by the Committee

139. The priority recommendations are:

(a) Encourage steps to improve the capacity to freeze without delay funds and assets linked to terrorism in most States, and protect their non-profit sector from abuse by terrorist financing;

(b) Foster international cooperation, particularly in information-sharing;

(c) Encourage the establishment of procedures to ensure that asylum seekers and refugees have not committed terrorist acts.

III. Assessment by thematic area

Legislation

140. In order to implement Security Council resolution 1373 (2001), it is essential to establish a comprehensive and coherent legal framework on counter-terrorism. Although many States have introduced extensive penal legislation covering various

criminal acts, such legislation often lacks the requisite specificity, comprehensiveness and complementarity.

141. The intent of the resolution is that States, by enacting specific counter-terrorism legislation, should no longer need to resort to vague legal provisions, ad hoc methods or customized interpretations in order to prosecute terrorist acts. Instead, States should establish a clear, complete and consistent legal framework that specifies terrorist acts as serious criminal offences, penalizes such acts according to their seriousness and helps the courts bring terrorists to justice. This framework should in turn provide the basis for the development of a domestic counter-terrorism strategy that is rooted in a legal approach, ensures due process of law in the prosecution of terrorists and appropriately protects human rights, while combating terrorism as effectively as possible.

142. Although most States have taken significant steps towards the development of such a legal framework, progress has been more limited in certain regions, such as Africa, South Asia and South-East Asia. Procedural delays in ratification of the international counter-terrorism instruments and their incorporation into domestic law have also slowed the adoption of strong counter-terrorism legal frameworks. Most States have developed, or are in the process of developing, adequate laws establishing court jurisdiction over the relevant offences.

Priority recommendations for future action by the Committee

143. The priority recommendations are:

(a) Promote the adoption of national counter-terrorism legal frameworks that are both coherent and comprehensive, that is, that include all the relevant terrorist offences, define the scope of terrorist acts, specify lawful investigative methods, guide criminal procedures in accordance with respect for human rights, designate the jurisdiction of the courts, prescribe set penalties and streamline sentencing;

(b) Encourage States to provide the relevant officials with the training necessary to implement the counter-terrorism legal framework, for example, in areas such as investigation, prosecution, sentencing and extradition.

Counter-financing of terrorism

144. Security Council resolution 1373 (2001) devotes considerable attention to counter-financing of terrorism. In implementing the related provisions of the resolution, States are able to draw on many established legal, policy and institutional tools that either build on existing anti-money-laundering measures or were developed specifically to counter terrorist financing. Over recent years, States have introduced a vast array of legal provisions and policies, established dozens of institutions and trained thousands of officials worldwide in measures aimed at combating terrorist financing. Almost all States have introduced at least some preventive measures to protect their financial systems from abuse. Many have established financial intelligence units.

145. However, effective implementation remains elusive. Some regions still lack the basic components of a regime to counter terrorist financing, and implementation in other regions is uneven. Many States do not yet have in place the necessary laws, policies, institutions or trained staff. A major shortfall for many States, particularly

those in East and West Africa, the Pacific islands region, South-East Asia and Latin America, is the absence of laws criminalizing the financing of terrorism in accordance with paragraph 1 (b) of the resolution. Moreover, very few States have introduced effective mechanisms to implement fully the provisions that require States to freeze without delay the funds and assets of terrorists, as required by paragraph 1 (c) of the resolution. The capacity to do so requires several components, which are absent in almost all States.

146. There is a need for new initiatives to tackle terrorist financing in the world's many predominately cash-based economies. Measures aimed at protecting only formal financial systems will not be sufficient. It is essential to seek creative approaches that can prevent terrorists in cash-based economies from acquiring funds, whether in the form of cash, through the smuggling of goods, or through the illicit manipulation of trade-based transactions. The non-profit sector is arguably the most vulnerable to terrorist financing and the most difficult to regulate and monitor. It also suffers from a proven vulnerability to abuse by terrorists and their supporters for the funding of terrorist acts. Most States lack the measures needed to protect non-profit organizations from intentionally or inadvertently contributing to terrorist financing. The challenge is to implement such measures without imposing excessive regulations that would put unacceptable constraints on the non-profit sector, which is a vital component of the world economy and of many national economies. Significant attention should therefore be devoted to protecting this sector against exploitation by terrorists, including through the development of standards and codes of practice, and the delivery of the necessary technical assistance and training.

Priority recommendations for future action by the Committee

147. The priority recommendations are:

(a) Facilitate the legal and institutional capacity to investigate financial crimes and seize funds linked to terrorism;

(b) Encourage States to share financial intelligence with international counterparts;

(c) Promote implementation of new initiatives for preventing terrorist financing in predominately cash-based economies.

Border control

148. The implementation of border control measures is essential to the practical application of States' counter-terrorism strategies. When effectively institutionalized and properly enforced, such measures greatly facilitate a State's ability to successfully combat terrorism. These measures include, but are not limited to, controls on immigration and asylum procedures; proper screening of travellers and identity documents; implementation of international standards for cargo, aviation and maritime security; physical security of land border crossings, airports and seaports; and practices to prevent the illegal cross-border movement of persons, cargo, arms and explosives. The international organizations engaged in those areas have developed a wide range of relevant guidelines and best practices.

149. Implementation varies from region to region, depending on factors such as type, accessibility and length of borders; institutional capacity; and technological

resources. Factors such as armed conflict, border disputes and uncontrolled territory can also severely undermine States' efforts in this regard. The greatest impediment to the proper assessment of those efforts is the lack of detailed reporting by many States — especially those in Africa, the Pacific islands region, South-East Asia, Western Asia, Central America and the Caribbean, and South-Eastern Europe.

150. In general, States have taken steps to implement controls on immigration procedures, and most have taken steps to enhance integrity in the issuance of identity and travel documents, to include modern security features in travel documents and to establish the capacity to detect fraud. Most States have also begun to screen travellers and conduct background checks on visa applicants. However, few States have introduced measures to prevent terrorists from abusing asylum procedures and refugee status, as required by paragraph 3 (f) and (g) of the resolution.

151. Many States have introduced policies and mechanisms to increase the security of the international trade supply chain based on the application of international customs standards. The same is true of standards to increase aviation and maritime security. However, many States have done no more than express their intention to implement such measures, and the same is true of measures to detect and prevent the illegal cross-border movement of people, arms and explosives. Many States have introduced measures to combat illegal immigration and trafficking in arms and explosives, but wider, more consistent implementation is required in most regions.

Priority recommendations for future action by the Committee

152. The priority recommendations are:

(a) Promote the implementation of international standards for customs, aviation and maritime security;

(b) Encourage the adoption of best practices in border control where such practices have proven their effectiveness, as in the fields of travel document security, traveller screening and cargo security;

(c) Enhance coordination among police and border control agencies;

(d) Encourage States to gain and provide better access to international counter-terrorism and criminal databases in order to enhance abilities to detect and exclude persons involved in terrorism.

Domestic security and law enforcement agencies

153. Effective practical implementation of counter-terrorism policies and procedures requires a well-defined strategy for combating terrorism, bolstered by a strong and well-coordinated domestic security and law enforcement apparatus that can detect, prevent and investigate terrorist activities. States should ensure that counter-terrorism measures are managed and conducted by appropriate law enforcement agencies and should create dedicated counter-terrorism units in order to capitalize on expert capacity within their law enforcement institutions.

154. Coordination and cooperation among law enforcement agencies is essential at the domestic, regional and international levels. The timely exchange of operational counter-terrorism information is also crucial. States are encouraged to establish

early warning mechanisms within their national systems, with other States, and with regional and international bodies. The relevant law enforcement agencies and personnel must have access to dedicated resources and information, including the various international databases, as well as to information on the activities of terrorists, their movements and use of technologies and weapons. States must also implement policies and measures to effectively control the production, sale and transfer of weapons and explosives.

155. Domestic legislation should ensure that law enforcement agencies have the necessary operational flexibility and the funding, training and judicial oversight they need to enhance their professional capabilities. Agencies should collaborate with prosecutors and courts within a framework of accountability and respect for the rule of law in order to gain public trust and ensure the integrity of the entire counter-terrorism effort, from prevention through prosecution and punishment of the perpetrators of terrorist acts.

156. Most States in Asia, Latin America and Europe have reported positive developments in the implementation of those measures, but many States in West and East Africa and Central America and the Caribbean have yet to submit the relevant information. Many States have yet to develop dedicated counter-terrorism units, and some, such as those in the Pacific islands region and in Central America and the Caribbean, have not institutionalized the requisite capacity or coordination mechanisms. Except for Western Asia, Africa, and Central America and the Caribbean, the majority of States in most regions have adequate laws on weapons production.

Priority recommendations for future action by the Committee

157. The priority recommendations are:

(a) Promote inter-agency coordination and the exchange of counter-terrorism information at the national, regional and international levels;

(b) Encourage States to establish dedicated and permanent counter-terrorism units, with the assistance of experts seconded from various specialized institutions, in areas such as criminal law, counter-financing of terrorism and border control;

(c) Encourage greater cooperation with INTERPOL and increased utilization of its resources and databases, such as red notices and watch lists.

International cooperation

158. Because the threat from international terrorism is universal and many terrorist attacks are cross-border in nature, a key objective of resolution 1373 (2001) is to increase international cooperation, especially in the areas of information exchange, mutual legal assistance, extradition and denial of safe haven to terrorists. Most States, in most regions, now have adequate laws and measures in place to grant mutual legal assistance and enable extradition, especially on the basis of reciprocity. However, several States in Western Asia, South Asia and Africa have yet to enact the relevant laws, streamline the relevant procedures or remove the relevant legal and operational obstacles with a view to strengthening international cooperation.

159. An important component and barometer of international cooperation in the field of counter-terrorism is ratification of the 16 international counter-terrorism instruments. A significant majority of Member States from all regions have become parties to 10 or more of those instruments. However, in order to make the instruments fully effective, States should adopt domestic legislation that specifically criminalizes the offences set forth in the instruments, sets appropriate penalties and establishes jurisdiction over the defined offences in order to ensure that suspects are either extradited or prosecuted. In certain regions, States have enacted little or no implementing legislation in this regard.

Priority recommendations for action by the Committee

160. The priority recommendations are:

(a) Encourage States not only to ratify all international counter-terrorism instruments, but also to incorporate the elements of those instruments into their domestic laws;

(b) Promote and facilitate training for members of the judiciary, law enforcement agencies and other relevant civil servants in procedures for requesting and offering assistance in criminal investigations and extradition matters.

Human rights

161. As has been emphasized on numerous occasions by the Security Council, Member States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and that such measures are adopted in accordance with international law, in particular, international human rights, refugee and humanitarian law.

162. However, United Nations human rights mechanisms continue to express concerns over measures that appear to violate States' obligations under international law. Such measures have been identified, to varying degrees, in virtually all the world's regions. In connection with resolution 1373 (2001), those concerns fall into several categories.

163. With respect to the requirement that States establish terrorist acts as serious criminal offences in domestic laws and regulations, concerns have been raised over vague or overbroad legal definitions of terrorist acts or groups which infringe the principle of legality and may be used to suppress freedom of opinion, expression and association in a manner that violates State obligations under international human rights law.

164. With respect to the need to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice, a number of concerns have been raised regarding certain aspects of the administration of justice in some Member States, including conduct that violates State obligations under international human rights law that involves disregard for the presumption of innocence, the use of incommunicado detention, the practice of torture, denial of access to the court system and due process rights, extended or indefinite detention without trial, and excessive use of force by law enforcement agencies.

165. As for international cooperation, United Nations mechanisms have expressed concern over the transfer of terrorism suspects and where such transfer would be contrary to States' non-refoulement obligations under international law, including the obligation of State Parties under article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment not to expel, return or extradite a person to another State where he or she would be in danger of being subjected to torture. Whether or not States use diplomatic assurances, they must ensure that they comply with their obligations with regard to the principle of non-refoulement. Concerns have also been expressed about the erosion of the right to seek asylum and counter-terrorism measures that undermine the humanity and dignity of asylum seekers.

Priority recommendations for future action by the Committee

166. The priority recommendations are:

(a) Continue to take account of relevant human rights concerns in the assessment of States' implementation of the resolution and include such concerns in dialogue with States;

(b) Strengthen cooperation with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, and other human rights authorities;

(c) Identify States' needs with respect to enhancing institutions and strengthening the rule of law, and recommend, where appropriate, that States consider seeking relevant assistance from the Office of the United Nations High Commissioner for Human Rights and other assistance providers.

Annex

Relationship between the survey of the implementation of Security Council resolution 1373 (2001) and the preliminary implementation assessment

Area of counter-terrorism activity	*Implementation categories relevant to Security Council resolution 1373 (2001)*	*Corresponding section of the preliminary implementation assessment*
Counter-terrorism legislation	Terrorist offences: comprehensive and coherent national legal framework	2.6.1 2.6.2 1.2.3
	Transposition of international instruments	2.6.1 3.4.2
	Criminalization of terrorist financing	1.2.1 1.2.2
	Criminalization of recruitment	2.1.1 2.1.2
	Jurisdiction of courts extends to acts committed abroad by nationals or foreign nationals currently within State	2.6.3 2.6.4 2.6.5
Financial legislation	Money-laundering legislation	1.1.1
	Financial intelligence unit: established and operational	1.1.5
	Customer due diligence: verification of client identity and record-keeping	1.1.8
	Reporting obligation covers money-laundering and terrorist financing	1.1.2
	Reporting obligation extends to all intermediaries	1.1.3
	Penalties for non-compliance with reporting obligation	1.1.4
	Alternative remittance systems	1.1.7
	Freezing capacity	1.3.1 1.3.2
Border control	Illegal migration and human smuggling	2.4.2 2.4.4 2.4.5 2.8.1 2.8.2
	Traveller screening on the basis of national/international information	2.4.2 2.8.1 2.8.2

Area of counter-terrorism activity	*Implementation categories relevant to Security Council resolution 1373 (2001)*	*Corresponding section of the preliminary implementation assessment*
	Asylum measures	2.4.3 3.5.1 3.5.2 3.5.3 3.5.4
	Customs and the implementation of international standards	2.8.4
	Identity and travel documents: issuance, control and fraud detection	2.8.3 2.8.1
Domestic security and law enforcement agencies	Counter-terrorism strategy: coordination of law enforcement agencies	2.3.1 2.5.1
	Law enforcement agencies: establishment of counter-terrorism units	2.1.2 2.6.2 2.3.2
	Aviation security: implementation of international standards	2.8.4
	Maritime security: implementation of international standards	2.8.4
Special activities	Arms and explosives: effective control of production, sale and transfer	2.2.1
	Import-export of weapons: monitoring and detection of smuggling	2.2.2
	Non-profit organizations: effective monitoring	1.1.6
International cooperation	Mutual legal assistance and extradition: comprehensive and coherent domestic legal framework	2.7.1 3.2.1 3.3.1 3.6.1 3.6.2
	Exchange of information: operational channels of communication	3.1.1
	International counter-terrorism instruments: status of ratification	3.4.1
Human rights	Concerns raised by United Nations human rights bodies	Overview 1.2.4 1.3.2 2.6.1 2.6.2 2.7.2 3.5.2 3.6.2